

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22301-22350

[Approved by the Acting Secretary of Agriculture, Washington, D.C., October 31, 1934]

22301. Adulteration and misbranding of Whitlock's U-Gar-Gl. U. S. v. John Taylor Whitlock (Cherokee Remedy Co.). Plea of guilty. Fine, \$25. (F. & D. no. 26627. I. S. nos. 7267, 10304, 10565.)

This case was based on three interstate shipments of Whitlock's U-Gar-Gl, which was represented in the labeling to be a remedy of the Cherokee Indians, possessing antiseptic and therapeutic properties. Examination showed that the article was not an antiseptic, that it was not a remedy of the Cherokee Indians, and that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Taylor Whitlock, trading as the Cherokee Remedy Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 17, 1930, from the State of Illinois into the State of Wisconsin, on or about September 11, 1930, from the State of Illinois into the State of Michigan, and on or about October 15, 1930, from the State of Illinois into the State of Indiana, of quantities of Whitlock's U-Gar-Gl which was adulterated and misbranded. The article was labeled in part: (Bottle) "Whitlock's U-Gar-Gl [cut of child in Indian costume] The Little Cherokee The Cherokee Remedy * * * Manufactured by Cherokee Remedy Co. (Not Inc.) * * * Chicago."

Analysis by this Department of a sample taken from each of the three shipments showed the following results: (1) and (3) the product consisted of a light-brown liquid containing chiefly water, glycerin, small amounts of alcohol, sodium carbonate, sodium hydroxide, sodium chloride, and minute amounts of menthol, thymol, and aconitine; (2) the product consisted of a light-brown liquid containing chiefly water and small proportions of sodium hydroxide, sodium carbonate, sodium chloride, thymol, and minute amounts of aconitine and menthol.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding was alleged for the reason that the statements, "Has also proven good as an antiseptic dressing", and "The Cherokee Remedy", borne on the label, were false and misleading, since the article was not an antiseptic dressing and was not prepared in accordance with a formula known to the Cherokees. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as an antiseptic dressing for cuts and wounds; and effective, when taken internally, as a treatment, remedy, and cure for disorders of the stomach and kidneys.

On April 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*